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**Case Management System - KY Public Service Commission***Merchant Plant Applications Cases Before the Commission as of May 19, 2010***2002-00150**

RECEIVED: 07/18/03

FILED: 10/13/03

FINAL: 03/24/03

REOPENED: 11/22/05

SUSPENSION DATE:

CASE NATURE: Thoroughbred Generating Company, LLC-1500 MW facility in Muhlenberg, County (Electronic case)

**CASE CODE**

Merchant Plant - Deadline for Requesting  
 Deadline for Public Hearings, Board  
 Board Decision Due  
 Electronic Case

INTERVENORS: Big Rivers/Gary Watrous

**HEARINGS:**

10/21/03 Formal Hearing  
 11/10/03 Formal Hearing

**INDEX OF EVENTS:**

04/26/02 Electronic filing account and password sent to Dianna Tickner for Peabody Energy Corporation.  
 04/29/02 Revised electronic filing account and password sent to Dianna Tickner for Thoroughbred Generating Company.  
 05/02/02 Acknowledge receipt of notice of intent to file an application  
 (M)05/02/02 Notice of Intent to File a Merchant Power Plant construction certificate near Central City in Muhlenberg County, KY / Dianna Tickner  
 05/17/02 Letter to Governor Paul E. Patton to request local appointments to the Board.  
 (M)06/03/02 Big Rivers plans to intervene, request Thoroughbred to send two copies of application upon filing / James Miller  
 (M)06/06/02 FAX Letter from Thoroughbred Generating Company, LLC advising that application will not be filed until July, 2002 / Dianna Tickner  
 (M)06/10/02 Original hard copy of Thoroughbred's letter advising that application will not be filed until July, 2002 / Dianna Tickner  
 (M)07/17/03 Electronic filing of Thoroughbred Generating Company for a certificate to construct a merchant electric generating facility nominal 1,500 MW coal fueled power plant in Muhlenberg County, approximately 1.5 miles northeast of Central City. / Carl Breeding  
 (M)07/17/03 Original paper copy of Thoroughbred Generating application for certificate to construct a merchant electric generating facility in Muhlenberg County. / Carl Breeding  
 (M)07/21/03 Three additional paper copies of application filed by Peabody Energy / Dianna Tickner  
 (M)07/21/03 Electronic filing of Thoroughbred application broken down in smaller sections for review / Dianna Tickner  
 07/25/03 Deficiency Letter, information due August 9, 2003.  
 07/25/03 Letter to Thoroughbred mailed July 25 advising additional copies of application is needed.  
 (M)07/29/03 Four Additional Paper Copies of Application Filed by Peabody Energy. / Dianna Tickner  
 (M)07/30/03 Big Rivers Electric Corp motion to intervene / James Miller  
 (M)07/31/03 Thoroughbred additional copies of application electronically filed / Dianna Tickner  
 (M)07/31/03 Three Additional Paper Copies of Application Filed by Peabody Energy. / Dianna Tickner  
 (M)07/31/03 Electronic filing of Big Rivers motion to intervene filed July 30, 2003 / James Miller  
 (M)08/04/03 Response to filing deficiency notice filed by Thoroughbred Generating / Carl Breeding  
 (M)08/05/03 Additional Information from Paducah and Louisville Railway, Inc. to be inserted into Section 8.6 "Traffic Evaluation" of the Originally Filed Application. / Carl Breeding  
 08/05/03 Deficiency Cured Letter  
 08/19/03 Order entered: Big Rivers motion for full intervention granted; Procedural schedule established: Any requests for information by Board Staff or Intervenors to the Applicant shall be filed no later than August 25, 2003; Last date to request an evidentiary hearing September 3, 2003; Applicant shall file responses to all requests for information no later than September 4, 2003.  
 08/22/03 Data Request entered, response due August 29, 2003.  
 (M)08/22/03 Motion of LG&E, KU and Western KY Energy for full intervention / Linda Portasik  
 (M)08/25/03 Electronic filing of Big Rivers first data request to applicant / James Miller  
 (M)08/25/03 Fax copy of Big Rivers electronic filing process information and first data request to applicant / James Miller  
 (M)08/26/03 Big Rivers Electric Corp first data request to applicant / James Miller  
 (M)08/26/03 Fax copy of LG&E, KU, Western KY, requesting electronic filing account / Linda Portasik  
 (M)08/27/03 Thoroughbred additional information received from Big Rivers regarding transmission interconnection and updated permit status / Carl Breeding  
 08/27/03 August 27, 2003 user name and password for electronic filing established for LG&E Energy Corporation

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08/27/03	August 25, 2003, user name and password for electronic filing established for Big Rivers
(M)08/27/03	Big Rivers thank you letter regarding establishing user name and password including permission to release e-filing account to Counsel James M. Miller / Michael Core
08/28/03	Data request to Thoroughbred Generating Company, response due 9/8/03.
(M)08/28/03	Motion of Thoroughbred for an extension of time until September 8, 2003; Response to Board Consultant's first data request and CD-ROM. / Carl Breeding
08/29/03	Board Staff's stipulation in response to Thoroughbred Generating Company, LLC's request for enlargement of time.
(M)09/03/03	Electronic filing of Big Rivers Motion to deny application and Motion for evidentiary hearing / James Miller
(M)09/03/03	KY Resources Council on behalf of Gary Watrous Motion to Intervene / Thomas FitzGerald
(M)09/03/03	Big Rivers Motion to deny application and Motion for evidentiary hearing / James Miller
(M)09/04/03	Mactec review and evaluation of site assessment report of Thoroughbred / Milo Eldridge
09/04/03	Siting Board's letter to parties notifying that Board's Staff Attorney's Spouse is employed for the Kentucky Resources Council.
(M)09/08/03	Thoroughbred response to Board and Big Rivers / Carl Breeding
(M)09/09/03	Thoroughbred response to data request no. 27 to Big Rivers which was inadvertently omitted from the Board's 9/8 response / Carl Breeding
(M)09/09/03	Electronic filing by Thoroughbred of response to PSC / Brad Fredkin
(M)09/09/03	Electronic filing by Thoroughbred response to Big Rivers / Brad Fredkin
(M)09/10/03	Thoroughbred's review of the Board's September 4, 2003 notice and does not have concerns; also intends to file opposition motion to Mr. Watrous intervention request and a motion to establish a procedural schedule and a response to Big Rivers motion to deny application by September 12, 2003 / Carl Breeding
09/11/03	Notice of Recusal entered September 11, 2003.
09/11/03	Order entered September 11, 2003, granting intervention to Louisville Gas and Electric, Kentucky Utilities, and Western Kentucky Energy.
(M)09/12/03	Thoroughbred Motion proposing procedural schedule and requesting certain modifications to 807 KAR 5:110 / Carl Breeding
(M)09/12/03	Thoroughbred response to Motion of Gary Watrous for full intervention / Carl Breeding
(M)09/12/03	Thoroughbred response to BREC's Motion to deny application / Carl Breeding
(M)09/17/03	Fax from KY Resources Council on behalf of Gary Watrous; Reply to Thoroughbred objection to Watrous intervention / Thomas FitzGerald
(M)09/18/03	Original paper copy of KY Resources on behalf of Gary Watrous reply to Thoroughbred objection to intervention / Thomas FitzGerald
(M)09/18/03	Big Rivers response to Thoroughbred motion proposing a procedural schedule / James Miller
(M)09/22/03	Big Rivers reply to Thoroughbred's response to Motion to deny application / James Miller
09/24/03	e-mail regarding Sept. 29, 2003 site visit tour
(M)09/25/03	Thoroughbred's reply in support of its motion proposing a procedural schedule and requesting certain modifications to 807 KAR 5:110 / Carl Breeding
(M)09/26/03	Electronic Filing of Thoroughbred in support of its motion proposing a procedural schedule and requesting certain modifications to 807 KAR 5:110 / Carl Breeding
(M)09/30/03	Fax copy of Thoroughbred list of attendees from TGC's Site Tour conducted on September 29, 2003 / Brad Fredkin
09/30/03	Order entered granting intervention to Gary Watrous
09/30/03	Order entered: (1) Procedural Schedule set for in Appendix A to Order; (2) At any public hearing in this matter, neither opening statements nor summarization of testimony shall be permitted
(M)10/01/03	Thoroughbred site map and attendance list from site tour / Carl Breeding
(M)10/01/03	Electronic Filing Thoroughbred Site Tour Attendance List and Site Tour Map / Carl Breeding
10/01/03	Order entered: Decision on Big Rivers' motion to deny Thoroughbred application is deferred until after evidentiary hearing is held to afford all parties an opportunity to present facts and cross-examine witnesses
(M)10/02/03	Thoroughbred's supplemental response to Big Rivers Electric first data request / Carl Breeding
(M)10/06/03	Original paper copy of Thoroughbred's testimony of Dianna Tickner and Jacob Williams / Carolyn Brown
(M)10/06/03	FAX copy of Intervenor Gary Watrous direct testimony / Thomas FitzGerald
(M)10/06/03	Big Rivers Testimony of Travis D. Housley, David A. Spainhoward and Mick Durham / James Miller
(M)10/06/03	Electronic Filing of Direct testimony of Big Rivers Electric Corporation / James Miller
(M)10/07/03	Direct Testimony of Intervenor Gary Watrous / Thomas FitzGerald
10/07/03	Second data request of Board Staff to Thoroughbred Generating Company entered 10/7/03, response due 10/14/03.
(M)10/07/03	Electronic Filing Testimony by Thoroughbred Generating Company / Brad Fredkin
(M)10/07/03	Electronic Filing Supplemental Response to Data Request by Thoroughbred Generating / Brad Fredkin
(M)10/10/03	Big Rivers Data Request filed by Thoroughbred Generating / Brad Fredkin
(M)10/13/03	Testimony of Tickner, Williams, DeBussshere, Meyers for Thoroughbred Generating Co / Carl Breeding
(M)10/13/03	Electronic Filing of Thoroughbred Generating Company, LLC's Rebuttal Testimony / Carl Breeding

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(M)10/13/03 Electronic Filing of Big Rivers Rebuttal Testimony / James Miller  
 (M)10/14/03 Response to Board's second data request filed by Thoroughbred Generating / Carolyn Brown  
 (M)10/14/03 Rebuttal testimony of Travis Housley, David Spainhoward, and Mick Durham filed by Big Rivers / James Miller  
 (M)10/14/03 Electronic Filing Objection by Big Rivers / James Miller  
 (M)10/14/03 Electronic Filing Responses to the Board's October 7, 2003 Data Request filed by Thoroughbred Generating / Brad Fredkin  
 (M)10/15/03 Objection to data requests of Thoroughbred Generating filed by Big Rivers / James Miller  
 (M)10/20/03 Thoroughbred Generating Motion to Strike the Testimony of Durham and Watrous / Carolyn Brown  
 (M)10/20/03 Electronic Filing Thoroughbred Generating Company's Motion to Strike the Testimony of Durham and Watrous / Carl Breeding  
 (M)10/21/03 Big Rivers response to Thoroughbred data requests dated October 10, 2003 / James Miller  
 (M)10/23/03 Electronic Filing Response to Supplemental Data Request filed by Big Rivers / James Miller  
 (M)10/24/03 Thoroughbred Generating Company Joint Motion for an Order / Carl Breeding  
 (M)10/24/03 Electronic Filing Comments from Century Aluminum / E. Jack Gates  
 (M)10/24/03 Electronic Filing Joint Motion filed by Thoroughbred Generating / Brad Fredkin  
 (M)10/28/03 Electronic Filing Signed original signature page for Joint Motion of Big Rivers / Bryan Reynolds  
 (M)10/29/03 Response of intervenor Gary Watrous to Thoroughbred's Motion to strike testimony / Thomas FitzGerald  
 (M)10/29/03 Fax copy of Big Rivers response to Thoroughbred motion to strike testimony / Bryan Reynolds  
 (M)10/29/03 Electronic Filing Response of Big Rivers to Thoroughbred Motion to Strike Testimony of Mick Durham and Gary Watrous / James Miller  
 (M)10/29/03 Electronic Filing Response to Thoroughbred Generating Motion to strike testimony filed by Kentucky Resources Council / Thomas FitzGerald  
 10/30/03 Order entered denying Thoroughbred's motion to strike the testimony of Watrous and Durham, granted joint motion, application is effectively amended by the Diana Tickner's rebuttal testimony as of October 13, 2003, an evidentiary hearing to be held November 10, 2003 in Hearing Room 1 at 10:00 a.m., public comments taken by the Board on October 21, 2003 shall be transcribed and entered into the public comment portion of the record prior to beginning the evidentiary hearing.  
 (M)10/31/03 Paper copy of Proof of Hearing Notice to be held November 10, 2003 / Carl Breeding  
 (M)10/31/03 Electronic Filing Proof of Public Notice - Nov. 10, 2003 Evidentiary Hearing filed by Thoroughbred Generating. / Brad Fredkin  
 (M)11/05/03 Electronic Filing Thoroughbred Generating Station's Reminder of time change for Evidentiary Hearing / Brad Fredkin  
 (M)11/06/03 Big Rivers fax advising; Travis Housley to adopt David Spainhoward's testimony and be available at the November 10 hearing for cross examination / Bryan Reynolds  
 (M)11/06/03 Big Rivers Electric Corporation Letter notifying parties of absence of David Spainhoward from November 10, 2003 hearing / Bryan Reynolds  
 (M)11/17/03 Transcript of hearing held October 21, 2003 / Connie Sewell  
 (M)11/17/03 Thoroughbred response to the Board's post-hearing data requests / Carl Breeding  
 (M)11/17/03 FAX copy of Response of Big Rivers to data requests from November 10, 2003 hearing / James Miller  
 (M)11/17/03 Transcript of hearing held November 10, 2003 / Connie Sewell  
 (M)11/17/03 Response of KU/LG&E to data requests proffered at November 10, 2003 hearing / Linda Portasik  
 (M)11/17/03 Electronic Filing Response of Kentucky Utilities Company and Louisville Gas and Electric Company to Data Requests Proffered at November 10, 2003 Hearing / Linda Portasik  
 (M)11/17/03 Electronic Filing Big Rivers' Response to Data Request from 11/10/2003 Hearing / Bryan Reynolds  
 (M)11/18/03 Response of Big Rivers Electric Corporation to data requests from November 10, 2003 hearing / James Miller  
 (M)11/18/03 Electronic Filing Response of Thoroughbred Generating Company LLC to the Board's Post-Hearing Data Requests / Brad Fredkin  
 (M)11/24/03 Post-Hearing Brief of Intervenor Gary Watrous / Thomas FitzGerald  
 (M)11/24/03 Brief for the Intervenor, Big Rivers Electric Corporation / James Miller  
 (M)11/24/03 Post-Hearing Brief of KU & LG&E / Linda Portasik  
 (M)11/24/03 Post-Hearing Brief of Thoroughbred Generating Company, LLC / Carolyn Brown  
 (M)11/24/03 Electronic Filing Post-Hearing Brief of Kentucky Utilities Company and Louisville Gas and Electric Company / Linda Portasik  
 (M)11/24/03 Electronic Filing Post-Hearing Brief filed by Thoroughbred Generating / Brad Fredkin  
 (M)11/24/03 Electronic Filing Brief of Intervenor Big Rivers Electric Corporation / John Miller  
 (M)11/25/03 Electronic filing of Gary Watrous -- Post-Hearing brief / Gary Watrous  
 12/05/03 Final Order entered, Thoroughbred shall file a written statement indicating whether it accepts each and every condition and commitment set forth with ten days of the date of this Order, due December 15, 2003.  
 (M)12/15/03 Thoroughbred Generating Company, LLC'S written statement in response to the Board's December 5, 2003 Order accepts each and every condition and commitment / Carl Breeding  
 (M)12/15/03 Electronic Filing of Thoroughbred Generating Company LLC's Written Statement in Response to the Board's December 5, 2003 Order / Brad Fredkin  
 (M)12/16/03 Electronic Filing Big Rivers' Response to Thoroughbred's December 15, 2003 Written Statement / James Miller

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(M)12/17/03 Big Rivers response to Thoroughbred's written statement in response to the Boards Dec 5, 03 Order & Motion / James Miller

(M)12/19/03 LG&E and KU and Western KY Energy's response to Thoroughbred's written statement / J. Gregory Cornett

(M)12/19/03 Intervenor Gary Watrous response to Thoroughbred's written statement in response to Board's December 5, 2003 Order and response to Motion of Intervenor BREC for Order voiding conditional construction certificate / Thomas FitzGerald

(M)12/23/03 Thoroughbred response to BREC's motion and responses of Watrous and KU/LG&E / Carl Breeding

(M)12/23/03 Electronic Filing Response of Thoroughbred to BREC's Motion and Responses of Watrous and KU/LG&E / Carl Breeding

(M)11/22/05 Motion to approve the IOA and filing of the Commission's November 8, 2005 Order / Holland McTyeire, V

(M)12/01/05 Response of Intervenor Gary Watrous to Thoroughbred Generating Company, LLC's Motion to approve an interconnection and operating agreement with Big Rivers Electric Corporation / Thomas FitzGerald

(M)12/02/05 Thoroughbred's project status letter / Holland McTyeire, V

(M)12/05/05 Big Rivers Electric Corporation response to Thoroughbred motion / James Miller

(M)03/13/06 Letter advising no objection to the motion by Thoroughbred from KU and LGE / Kendrick Riggs

(M)04/03/06 Thoroughbred Generating Company's Supplement to 11/22/2005 Motion to Approve Interconnection and Operating Agreement with Big Rivers Electric Corporation / Holland McTyeire, V

05/17/06 Order entered: (1) The IOA complies with the requirements of KRS 278.212 with regard to the relationship between Thoroughbred and Big Rivers; (2) The IOA satisfies Condition K of December 5, 2003 Order insofar as Thoroughbred and Big Rivers are involved; (3) The IOA otherwise complies with our December 5, 2003 Order with regard to the relationship between Thoroughbred and Big Rivers

07/24/07 FilerFullName:Michael Burford; OnBehalfOf: -- Thoroughbred Generating Company - 2006 Annual Report

(M)11/28/07 Yearly report of Thoroughbred Generating Company / Dianna Tickner

02/28/08 FilerFullName:Michael Burford; OnBehalfOf:Thoroughbred Generating Company, LLC -- Annual Report

03/06/09 Order Entered: Within 10 days of the date of this Order any party to the case which objects to the Siting Boards proposal to revoke the construction certificate issued to Thoroughbred on Dec 5, 03 and to dismiss the case without prejudice shall file with the siting board an objection stating with specificity the reasons for such objection

03/24/09 Final Order Entered:  
 (1) The construction certificate issued b the Siting Board to Thoroughbred on December 5, 2003, is revoked.  
 (2) Pursuant to 807 KAR 5:100, Section 5, the Commission shall refund to Thoroughbred any remaining Siting Board application fee paid by Thoroughbred in support of its application in this mater.  
 (3) This case is dismissed without prejudice.

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 Total Number of Cases: 1